

Attorney Docket No.: 141697.00000-P1140US01
Application No. 09/770,599

REMARKS

In the Office Action Claims 1 and 2 stand rejected under 35 U. S. C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly Claim the subject matter which the Applicant regards as the invention. The preamble of Claims 1 and 2 calls for "charitable donations management and reporting" but the limitation of "reporting" is not discussed in the body of the Claims. In Claim 1, the term "object" is objected to as being vague.

Claims 1 and 2 stand rejected under 35 U. S. C. 102(b) as being described in a Website in this country or in public use in this country, more than one year prior to the filing dated of the Provisional Patent which the pending Non-Provisional Patent Application claims priority. Further, Claims 1 and 2 stand rejected under 35 U. S. C. 103 (a) as being unpatentable over an Article published on November 29, 1999 entitled "Tis the Season for Giving" and/or in view of U. S. Patent Number 5,890,137 issued to Koreeda on March 30, 1999 and further in view of U. S. Patent Number 5,920,847 issued to Kolling et al on July 6, 1999.

The Applicant respectfully submits the limitation of "reporting" in Claims 1 and 2 is discussed via the Donor Experience Object wherein the specifications clearly delineates the Donor Experience Object 39, Fig. 10 commands and controls the entry of data into the Donation Selector 16, Fig. 3a. The Donor Experience Object 39 displays 40, Fig. 10 all items or asset descriptions, unit amounts, tax-deductible amounts, and totals. The Donor Experience Object 39 guides the donor through a plurality of choices to make donations, select and receive gifts, and receive a tax deduction. The Donor Experience Object 39 is in communication with the View Item Object 41, Give Item Object 42, Add Item Object 43, Empty Selector Item Object 44, Clear Item Object 45, and Delivery Selector Object 46. The Donor Experience Object 39, in concert

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with other objects, facilitates the donations, gifts, and tax deductions for the charitable organization 11 via the claimed invention's 10 website 13.

Claims 1 and 2 term "object" is a well known in the art of object-oriented programming of software systems. The term "object" is delineated in the specification on page 7, lines 3 to 10 wherein the claimed invention exists as an overlying layer of software object programs that are installed over or in concert with selected system apparatus operating software programs or in concert with selected subprograms. The claimed invention, once installed on the server, facilitates transference of selected donations from the donor to the charitable organization. Only data objects of the claimed invention are illustrated in order to simplify and emphasize those portions of the claimed invention that are most pertinent. The software programs to implement the claimed invention may be realized in any convenient software program language such as C++ or Smalltalk. A further reference to the term "object" may be found in *Object-Oriented Analysis And Design*, Grady Booch, 1994.

The Examiner is well aware the Applicant may be his own lexicographer. In this particular instance, the Applicant has used well-established text and Claim terms thereby rendering the rejection of the Claims under 35 U. S. C. 112 moot.

The Office Action's reference used to reject Claims 1 and 2 under 35 U.S.C. 102 (b) is an internet archive machine i.e., the WayBackMachine, that catalogs the date on which a Website is posted to the World Wide Web. The Applicant respectfully reminds the Examiner the WayBackMachine is a date catalog and does not speak to the content of the Websites it records.

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The claimed invention is an overlaying software program that is attached to someone else's Website. The claimed invention appears as an icon on the host Website and hyperlinks the user to the claimed invention's Website. During the period of time of December 12, 1998 to February 8, 1999 the claimed invention's Website was under construction and the Website could not possibly disclosed any information about the claimed invention. The Applicant's Website later became operational in March 1999. The Applicant filed a Provisional Patent Application on February 1, 2000, well under the statutory one-year limitation thereby rendering the rejection of the Claims under 35 U. S. C. 102 (b) moot.

*Affidavit
Declaratory
and/or
evidence*

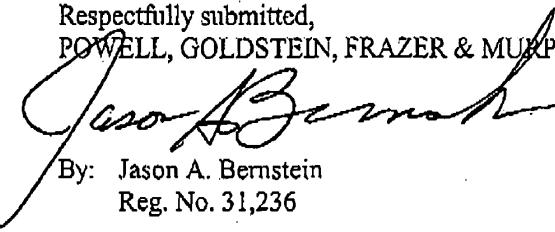
The Applicant asserts the rejection of Claims 1 and 2 under 35 U. S. C. 103 (a) is inappropriate and respectfully request to be withdrawn for the following reason. Under 35 U. S. C. 103 (a) the claimed subject matter as a whole is obvious to a person of ordinary skill in the art to which the subject matter pertains at the time the invention was made. In this particular instance, the claimed invention was reduced to practice in March 1999 with the introduction of a functioning Website that could communicate with host Websites and users. The cited reference article i.e., "Tis the Season for Giving" was published in November 1999 eight months after the claimed invention was reduced to practice. The reduction to practice is verified by WayBackMachine with there cataloging of the URL of the claimed invention i.e., www.donate.com and the Applicant's emission of the functionality of the Website in March 1999.

In view of the foregoing remarks, the Applicant respectfully submits that all independent claims are presently in proper condition for allowance. The Applicant requests the Examiner to pass this case to issue. If, in the opinion of the Examiner, a telephone conference would expedite the issuance of this application, the Examiner is invited to call the undersigned attorney. The

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Applicant requests the corrections to the drawings be held in abeyance until the Allowance of the patent application.

Respectfully submitted,
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